



Senate

General Assembly

File No. 217

January Session, 2011

Substitute Senate Bill No. 845

Senate, March 28, 2011

The Committee on Human Services reported through SEN. MUSTO of the 22nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT REQUIRING THE DEPARTMENT OF CHILDREN AND FAMILIES TO NOTIFY NONCUSTODIAL PARENTS OF CERTAIN ABUSE AND NEGLECT INVESTIGATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-103b of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) Upon a [substantiated] complaint of abuse or neglect of a child
4 having a single custodial parent or a guardian, the Department of
5 Children and Families shall give, [when deemed to be in] unless
6 contrary to the best interests of the child, to the noncustodial parent,
7 custodial parent, guardian of the child, and parents if the Department
8 of Children and Families has custody of a child, notice of (1) the
9 circumstances of the complaint, including the name of the person who
10 is alleged to have caused the abuse or neglect, (2) the availability of
11 services from the department, including, but not limited to, child care
12 subsidies and emergency shelter, and (3) the programs of the Office of
13 Victim Services and information on obtaining a restraining order. The

14 notice shall also inform the recipient that such child may be removed
15 from the custody of the custodial parent by the department if such
16 removal is authorized under the general statutes. The department shall
17 employ all reasonable efforts to provide the notice [within] not later
18 than ten days [of substantiation of a] after the date the complaint was
19 filed. Notwithstanding the provisions of this subsection, if the
20 department determines that disclosure of detailed information may
21 result in a risk of physical harm to a person or that a court order
22 prohibits the recipient from receiving information from the child's
23 school or medical provider, the department shall provide notice of the
24 complaint only and advise the recipient, in writing, of the right to seek
25 judicial relief pursuant to subdivision (2) of subsection (n) of section
26 17a-28, as amended by this act.

27 (b) The notice required under subsection (a) of this section shall be
28 in English or the principal language of the recipient, if known, and be
29 delivered (1) by certified mail, return receipt requested, directed to the
30 last-known address of each recipient, or (2) by an agent of the
31 department. In the case of personal delivery by an agent, written
32 acknowledgment of such delivery shall be made by the recipient.

33 Sec. 2. Subsection (n) of section 17a-28 of the general statutes is
34 repealed and the following is substituted in lieu thereof (*Effective*
35 *October 1, 2011*):

36 (n) (1) Any person, attorney or authorized representative aggrieved
37 by a violation of subsection (b), (f), (g), (h), (i), (j) or (l) of this section or
38 of subsection (m) of this section, except subdivision (2) of said
39 subsection (m), may seek judicial relief in the same manner as
40 provided in section 52-146j; (2) any person, attorney or authorized
41 representative denied access to records by the commissioner under
42 subdivision (2) of subsection (m) of this section or subsection (a) of
43 section 17a-103b, as amended by this act, may petition the superior
44 court for the venue district provided in section 46b-142 in which the
45 person resides for an order requiring the commissioner to permit
46 access to those records, and the court after hearing, and an in camera

47 review of the records in question, shall issue such an order unless it
48 determines that to permit such access would be contrary to the best
49 interests of the person or authorized representative.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2011	17a-103b
Sec. 2	October 1, 2011	17a-28(n)

KID *Joint Favorable Subst. C/R* HS

HS *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

There is no fiscal impact to the Department of Children and Families to, under certain conditions, notify noncustodial parents of abuse or neglect allegations.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sSB 845*****AN ACT REQUIRING THE DEPARTMENT OF CHILDREN AND FAMILIES TO NOTIFY NONCUSTODIAL PARENTS OF CERTAIN ABUSE AND NEGLECT INVESTIGATIONS.*****SUMMARY:**

This bill expands the conditions requiring the Department of Children and Families (DCF) to notify parents or guardians regarding alleged maltreatment of his or her child. The bill requires such notice based on any complaint of abuse or neglect rather than only abuse complaints that DCF substantiates.

The bill also alters the condition for giving notice based on its effect on the child from (1) requiring notice when the department finds that notice is in the child's best interest to (2) giving notice except when DCF determines that it would be harmful to the child. It makes the deadline by which the department must make a reasonable effort to provide the notice at 10 days after the date the complaint was filed, rather than after it substantiates it.

Under the bill, when DCF determines that (1) disclosure of detailed information presents a potential risk of physical harm to anyone or (2) a court order bans a recipient from receiving information from the child's school or medical provider, it can withhold the details and include in the notice only the fact that a complaint has been filed. In that case, the recipient must be advised that he or she has the right to ask a judge to order DCF to disclose the details.

EFFECTIVE DATE: October 1, 2011

NOTICE OF COMPLAINT

Under current law, when DCF substantiates a complaint of abuse of

a child with a single custodial parent or guardian and determines notification to be in the child's best interest, the department notifies the noncustodial parent, custodial parent, guardian, and parents of a child in DCF's custody of (1) the circumstances of the complaint including the name of the perpetrator, (2) the services the department offers, (3) programs offered by the Office of Victim Services, and (4) information on obtaining a restraining order. The notice also includes information that DCF, if authorized by law, may remove the child from the custodial parent's home.

The bill (1) removes the requirement that DCF substantiate a complaint before providing such notice; (2) requires notice of complaints of neglect, in addition to abuse; (3) adds to the notice requirement the name of an alleged perpetrator in the case of an unsubstantiated complaint; and (4) requires notice unless it would be contrary to the child's best interests, rather than when notification would affirmatively be in his or her best interests.

JUDICIAL RELIEF

The bill gives DCF the option to provide notice of only the existence of a complaint if it determines that disclosure of the otherwise required detailed information may result in the risk of physical harm to anyone or that there is a court order in effect barring the recipient from receiving information from the child's school or medical provider. In either case, the department must also advise a person from whom information is withheld in writing of his or her right to seek judicial relief.

The recipient of such a notice, his or her attorney, or authorized representative may petition the Juvenile Court for disclosure of more detailed information. The court, after a hearing and *in camera* review of the records in question must order access unless it determines that this would be contrary to the best interests of the person or authorized representative.

BACKGROUND

Juvenile Court

Juvenile Court is a subdivision of Superior Court designed to protect the rights of children and family relationships. All court documents are confidential and juvenile court hearings are usually closed to the public (CGS § 46b-142).

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Substitute Change of Reference
Yea 5 Nay 4 (02/15/2011)

Human Services Committee

Joint Favorable Substitute
Yea 16 Nay 2 (03/10/2011)